

REMARKS/ARGUMENTS

Reconsideration and allowance of this subject application are respectfully requested.

Claims 1, 7, and 20 now stand rejected under 35 U.S.C. §112, first paragraph as not complying with the written description requirement with respect to "alert signal to alert the user" language. This rejection is respectfully traversed.

The test is not whether the exact claim language is literally used in the specification but whether the disclosure as originally filed reasonably conveys to a person skilled in the art that the inventor had possession at the time of later claimed subject matter. See, for example, *In re Kalsow*, 707 F.2d 1366 (Fed. Cir. 1983). Certainly, a ring signal is an alert signal that alerts a phone user. The specification uses the term ring and ring signal to indicate an incoming call many times in the specification. See for example page 9, lines 9-13, page 10, lines 11-13 and 16-18, page 12, lines 19-21, page 17, lines 10-12, and page 18, lines 25-26.

Indeed, those skilled in the art would have understood that ring signals (and bells in particular) have been used to alert the user of an incoming call for a hundred years or so. It is so well established that we say "the phone rings" when we mean that it is alerting us of an incoming call, even if the phone nowadays may play a tune or make some other sound that the user has selected. In other words, if a telephone device is equipped to generate a ring signal when there is an incoming call, then clearly this signal is for alerting the user that there is an incoming call, unless there is specific information to the contrary.

Nonetheless, to facilitate prosecution, the claims have been amended without narrowing the scope of the claims to remove the "alert a user" language. The term "ring signal" covers any equivalent type signal and certainly covers whatever type of signal the user may select to alert

the user of the phone of an incoming call. Withdrawal of the rejection under 35 U.S.C. §112, first paragraph is requested.

Claims 1-5, 7-14, 16, 18, and 19 stand rejected under 35 U.S.C. §103 as being unpatentable over Suresan in view of Haartsen in view of newly applied Kramer. Claim 15 stands rejected under 35 U.S.C. §103 as being unpatentable over Suresan in view of Haartsen and Kramer and further in view of Patel. These rejections are respectfully traversed.

Suresan discloses a docking station 12 to which a mobile station 14 can be physically connected via male/female plug/socket combination. A 14-line ribbon cable 18 connects the connector 19 to the microprocessor 16. The stationary telephone keyboard and handset 24 is coupled by way of the microprocessor 16, ribbon cable 18, and docking station 12 to the mobile station 14 when the mobile is physically mounted in the docking station 12. As explained at page 7, lines 1-11, if you make an outgoing call, the user dials the telephone number using the mobile telephone 14. But an outgoing call can not be initiated using the stationary telephone 24. When a connection is established between the mobile telephone 14 and the mobile network, only at that time can the user continue the call by picking up the stationary telephone handset 20.

The Examiner admits that Suresan fails to teach that "the stationary telephony terminal and the mobile radio telephone have each a short range transceiver for intercommunication via a short range wireless communication link." The Examiner relies on Haartsen's BLUETOOTH article at pages 110-112, which describes short range wireless communication between various devices. The Examiner argues that it would have been obvious to modify Suresan's docking system to include Haartsen's local wireless transceivers "for the purposes of eliminating cables." Unfortunately, the Examiner has not indicated whether Haartsen's BLUETOOTH link should

connect the cordless handset 24 with the controller 16 or connect the controller 16 with the mobile telephone 14.

How could the docking station 12 in Suresan be legitimately reconfigured to use short range wireless links? A docking station is the very thing that Suresan has invented. Eliminating the wire connections in the docking station dismantles the docketing station, fundamentally altering/voiding Suresan's invention. Nor is it clear how Suresan could even be modified as proposed by the Examiner and still work. But it is absolutely clear that such a modification would render Suresan inoperable for its intended purpose, contrary to the law of obviousness in the Federal Circuit. See, for example, *In re Fritch*, 972 F.2d 1260, 1265-1266 (Fed. Cir. 1992).

Looking at this proposed combination more specifically, it is uncertain how the battery charger 22, absent the docking station 12 and its wireline connections, would be able to supply power to the mobile telephone over a radio link *as required by Suresan's own specification*. See page 5, lines 22-27. Moreover, Suresan also indicates that the battery charger 22 supplies power to trickle-charge the rechargeable battery of the mobile telephone 14 in stand-by mode via the wire connections of the microprocessor interface 16 and ribbon cable 18. See page 5, lines 10-21 of Suresan. The charging and power supply features provided by the docking station 12 to the mobile telephone can not be provided if Suresan were be modified to employ radio links. This is another reason why the obviousness combination/modification proposed by the Examiner is improper.

Haartsen also *teaches away* from the independent claims and from the combination proposed by the Examiner. On page 110, Haartsen illustrates the example applications for BLUETOOTH. Figure 1 shows a single mobile telephone coupled to a number of devices including a headset, a laptop, a mouse, and a local area network (LAN) access point. A

stationary telephony terminal is not shown; nor is a wireless connection shown between a stationary telephony terminal and the mobile phone. See also the user scenarios set forth in box C on page 112. Here, Haartsen describes a 3-in-1 phone that can be used everywhere. The point of this scenario is to completely eliminate any stationary phone so that only a single phone—the mobile phone—is employed. There is no recognition by Haartsen that it may be desirable, at least for some users, to use a stationary telephony terminal coupled by a wireless link to a mobile radio telephone to permit easy dialing, convenient handling, and other qualities that are afforded by traditional stationary telephony devices as compared to mobile devices.

A feature from the independent claims admitted to be missing from both Suresan and Haartsen is the *stationary* terminal generating a ring signal to indicate an incoming call. As explained on page 6, for an incoming call, Suresan describes that "the controller 16 detects the ringing tone of the *mobile* telephone." See page 6, lines 30-32. The Examiner relies on Kramer in an attempt to remedy this second deficiency.

Kramer describes how call management services may be provided to POTS phones in a fixed wireless access network. The call management services protocol of the wireless network is converted into the protocol of the POTS phones so that the services will work. The subscriber unit may contain several transceivers and connect several POTS phones to make up a wireless key system. The Examiner states that Kramer teaches a stationary terminal generating a ring signal referring to column 1, lines 7-17 as teaching a stationary terminal ring signal. A review of this text reveals no ring signal.

Kramer is simply not relevant. It is not enough to simply cite a reference that shows a stationary terminal generating a ring signal when there is an incoming call. The independent claims recite both mobile radio and stationary telephone terminals that intercommunicate via a

short range wireless communications link with the stationary terminal communicating over a mobile radio network via that link and the mobile radio terminal. The stationary terminal—not the mobile radio terminal—generates the ring signal to indicate an incoming call.

Kramer does not get the combination of Suresan and Haartsen any closer to this particular combination of claim features. So even if the combination of these three references could be made, for purposes of argument, it still fails to teach all the claimed features in claims 1 and 7. In addition, the combination lacks the requisite motivation for a proper combination.

In any obviousness analysis, it must be shown that there is a "motivation" or "suggestion" in the prior art to make the modification or combination. *In re Rouffet*, 149 F.3d 1350, 1357-1358 (Fed. Cir. 1998). The Federal Court has stated that "this is especially important in cases where the very ease with which the invention can be understood may prompt one 'to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher'." *In re Kotzab*, 217 F.3d 1365, 1369 (Fed. Cir. 2000). Here, the Examiner too easily dismisses the differences between the independent claims and Suresan and simply substitutes the BLUETOOTH wireless link, described generally in Haartsen, for the hardware connections in the docking station 12 of Suresan.

As already pointed out above, this modification is not even feasible because it completely undermines Suresan's invention. Moreover, a proper motivation to combine requires an appreciation of the *desirability* of making the combination. *In re Winner Int'l Royalty Corp. v. Wang*, 202 F.3d 1340, 1349 (Fed. Cir. 2000). No appreciation that it would be desirable to dismantle the docking station of Suresan can be found in the prior art references applied by the Examiner.

The motivation to interject Kramer into the unlikely combination of Suresan and Haartsen is also lacking. The Examiner states that the motivation to combine Kramer's stationary terminal ring signal with "Suresan in view of Haartsens' mobile-telephony combination system" is to provide call management services to a standard telephone with a ring or alert and to provide advantages over conventional wireline networks such as speed of deployment, lower cost of installation and reduced maintenance of outside plant. But these advantages do not have anything to do with a stationary terminal generating a ring signal for an incoming call. The text in Kramer relied on by the Examiner relates to advantages of wireless networks as compared to wired networks.

Providing call management services wirelessly has nothing to do with Suresan's docking station sounding an alert. The advantages of a wireless network over wireline networks are already present in Suresan's unmodified docking station regardless of whether a ring signal is sounded. The proposed modification of Suresan with Kramer, like that with Haartsen, is pointless.

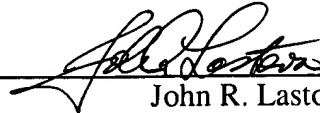
The rejections based on these three references should be withdrawn. In addition, there are several dependent claim features which are also not suggested by the applied references. For example, claim 13 recites "taking a service code on the stationary telephony terminal indicating when the sent authentication code is valid." Pages 115-117 of Haartsen relied on by the Examiner do not describe a stationary terminal. Nor does Haartsen describe any service code that indicates when the authentication code is valid. Regarding claim 14, the Examiner appears to have mistakenly copied the exact same text used for the rejection of claim 13.

The application is in condition for allowance. An early notice to that effect is earnestly solicited.

ANDREASON
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Respectfully submitted,

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